

Complainant's Exhibit 38, Feb. 19, 463
1903, J. A. S., Ex'r.
IN CHANCERY OF NEW JERSEY.

Between

JOHN R. HARDIN, Receiver, ..
 Complainant,

and

THE EDISON PHONOGRAPH WORKS
 & al.,
 Defendants.

On Bill.
 For Injunction.
 Final Decree.

464

The matters involved in this case and other matters in difference between the complainant and the defendants having been settled and compromised, and it being agreed as part of the said compromise and settlement that the complainant should be accorded against the defendant, The Edison Phonograph Works, the relief prayed for in the bill of complaint; it is on this twenty-first day of January, eighteen hundred and ninety-six, on motion of Charles T. Roe, of counsel with the complainant, and with the consent of Howard W. Hayes, of counsel with the defendant, ordered that a writ of injunction do issue against the said defendant, the Edison Phonograph Works, pursuant to the prayer of said bill, enjoining and restraining it, the said the Edison Phonograph Works, its officers, agents and employees from manufacturing phonograph appliances and supplies therefor for use within the United States and Canada for parties other than the North American Phonograph Company or its receiver, and from selling phonograph appliances and supplies therefor to any other person or persons or corporations for use or sale within the United States and Canada, other than to the said

465

466 North American Phonograph Company and the said receiver without the written consent of the said receiver.

Alex. T. McGill,
C.

Respectfully advised,
John R. Emery,
Vice-Chancellor.

I consent to the foregoing order.

Howard W. Hayes,
Of Counsel with Thomas A. Edison.

“(Endorsed.) In Chancery of New Jersey. Between John R. Hardin, Receiver, Complt., and The
467 Edison Phonograph Works, Defts. On Bill, &c. Final Decree. Charles J. Roe, Solrs. Law Offices, Hayes & Lambert, Newark, N. J.”

**Complainant's Exhibit 39, Feb. 19,
1903, John A. Shields, Ex'r.**

(Seal of the Court of Chancery, State of New Jersey.)

New Jersey, to wit: The State of New Jersey to The Edison Phonograph Works, its officers, agents and employees, Greeting:

468 Whereas, by a certain final decree made in our Court of Chancery of the State of New Jersey, on the twenty-first day of January, A. D. 1896, in a certain cause therein depending wherein John R. Hardin, receiver of the North American Phonograph Company, is complainant, and the Edison Phonograph Works and others are defendants, it was among other things ordered and decreed that an injunction do issue against you the said parties above mentioned restraining you the said parties in the manner as hereinafter mentioned; we therefore in consideration of the premises, do hereby strictly enjoin and command you the said Edison

Phonograph Works, its officers, agents and employees, and each and every of you under the penalty that may fall thereon, that you and every of you do from henceforth and forever, absolutely desist and refrain from manufacturing phonographs, appliances and supplies therefor for use within the United States and Canada for parties other than the North American Phonograph Company or for John R. Hardin, the complainant as receiver of the said North American Phonograph Company, and from selling phonographs, appliances and supplies therefor to any person or persons or corporations for use or sale within the United States and Canada other than to the said North American Phonograph Company, or to the said complainant as receiver of the said North American Phonograph Company, without the written consent of the complainant. Witness his Honor, Alexander T. McGill, our Chancellor, at Trenton, the third day of February, in the year of our Lord one thousand eight hundred and ninety-six. 439 470

Allan McDermott,
Clerk.

Charles T. Roe,
Solicitor.

(Endorsed:) Filed Feb. 10, 1896. Allan McDermott, Clk. Due and legal service of within injunction admitted this fifth day of February, 471
eighteen hundred and ninety-six. Guild & Lum.
Solrs, for defts.

**Complainant's Exhibit 40, February
27, 1903, J. A. S., Ex'r.**

This exhibit is the copy of offer of compromise forming part of Exhibit D of Complainant's Exhibit 36, February 19, 1903, J. A. S., Ex'r.

466 **Complainant's Exhibit 41. Feb. 27,**
1902, J. A. S., Ex'r.

IN CHANCERY OF NEW JERSEY.

Between

JOHN R. HARDIN, Receiver of the
North American Phonograph
Company,

Complainant,

and

467 THOMAS A. EDISON,
Defendant,

On Bill for Specific
Permanence.

468 The matters in difference between the complainant and the defendant in the above entitled cause having been compromised, and such compromise approved by an order entered in this Court, in a cause wherein Walter Cutting, executor, and others are complainants, and the North American Phonograph Company is defendant, made on the fifteenth day of January, eighteen hundred and ninety-six, and said receiver having been directed by said order to procure the discontinuance of this suit, without costs to either party as against the other:

It is thereupon, on this twenty-first day of January, eighteen hundred and ninety-six, on motion of Charles J. Roe, solicitor of the said complainant, ordered that the above suit be and the same is here-

by discontinued without costs to either party as 457
against the other.

Alex. T. McGill,
C.

Respectfully advised,

John R. Emery,
Vice-Chancellor.

I consent to the following order,

Howard W. Hayes,
Of Counsel with Thomas A. Edison.

A true copy,

L. A. Thompson,
Clerk.

Endorsed: In Chancery of New Jersey. Between 458
John R. Hardin, Rec'r North American Phono-
graph Company, compl't, and Thomas A. Edison,
def't. On Bill, &c. Decree. Discontinuance.
Charles J. Roe, Sol'r. Filed Jan. 22, 1896.

**Complainant's Exhibit 42, February
27, 1903, J. A. S., Ex'r.**

This exhibit is set out in the record at Q. 136,
testimony of Hardin.

**Complainant's Exhibit 43, Feb. 27,
1903, J. A. S., Ex'r.** 459

The President of the United States of America.
To Thomas A. Edison, Edison Phonograph Com-
pany, Edison Phonograph Works, and National
Phonograph Co., John R. Hardin, J. Adriance
Bush, John F. Randolph.

Greeting:

We command you that all and singular business
and excuses being laid aside, you and each of you
be and appear in your proper persons before John
A. Shields, Esq., a standing examiner of the Cir-